

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 22-14404-CV-MIDDLEBROOKS/MAYNARD

DEMARCUS ANTOINE MILLS,

Petitioner,

v.

STATE OF FLORIDA, *et al.*,

Respondents.

ORDER ADOPTING REPORT AND RECOMMENDATION
OF MAGISTRATE JUDGE

THIS CAUSE comes before the Court on Magistrate Judge Shaniek Mills Maynard's Report and Recommendation ("Report"), issued on January 9, 2024. (DE 14). The Report recommends dismissing Petitioner Demarcus Antoine Mills' Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. §2254 as untimely. Petitioner filed objections on January 18, 2024 (DE 15) and Respondents filed a response on January 21, 2024 (DE 16).

I have conducted a *de novo* review of the Report, objections, and the record as a whole. Upon review, I agree with Magistrate Judge Mills Maynard's conclusions, and find that the reasoning in the Report is accurate and thorough. Further, I find that Movant has failed to make "a substantial showing of the denial of a constitutional right" sufficient to support the issuance of a Certificate of Appealability. *See* 28 U.S.C. §2253.

Accordingly, it is **ORDERED AND ADJUDGED** that:

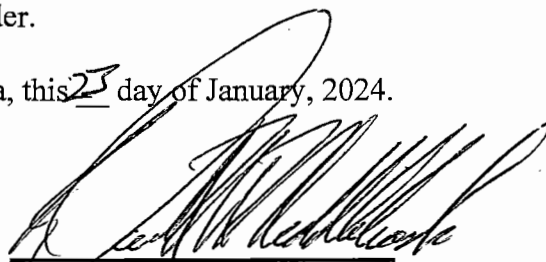
- (1) The Report (DE 14) is **ADOPTED**.
- (2) Movant's Objections (DE 15) are **OVERRULED**.
- (3) Petitioner Demarcus Antoine Mills' Petition under 28 U.S.C. §2254 for Writ of

Habeas Corpus (DE 1) is **DENIED**.

(4) A Certificate of Appealability is **DENIED**.

(5) Final Judgment shall be entered by separate Order.

SIGNED in Chambers at West Palm Beach, Florida, this 23 day of January, 2024.

A handwritten signature in black ink, appearing to read 'Donald M. Middlebrooks', written over a horizontal line.

Donald M. Middlebrooks
United States District Judge

cc: Honorable Shaniek Mills Maynard
Counsel of Record